

Appln. No. : 09/924,823
Applicant : Fitzpatrick, et al.
Filed : August 8, 2001
TC/A.U. : 2172
Examiner : Ehichioya, Fred I.
Docket No. : BOC9-2000-0083 (218)

Confirmation No. 2585

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TRANSMITTAL LETTER

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Fax No. 703-872-9306 (22 pages)

MAIL STOP F.CE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Please find enclosed for filing:

1. Response under 37 C.F.R. §1.116;
2. Request for Continued Examination; and
3. Fee Transmittal Form.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,

Date: 20 April 2005

Gregory A. Nelson, Registration No. 30,577
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(FT267717;1)

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being transmitted via facsimile transmission to Commissioner for Patents at 703-872-9306 on

20 April 2005
Date
Brian K. Buchheit, Esquire

Reg. No. 52,667

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PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/924,823
	Filing Date	August 08, 2001
	First Named Inventor	FITZPATRICK, et al.
	Art Unit	2172
	Examiner Name	Ehichioya, Fred I.
	Attorney Docket Number	BOC9-2000-0083 (218)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
 ii. ☐ Information Disclosure Statement (IDS)
 iii. ☐ Affidavit(s) Declaration(s)
 iv. ☐ Other _____

2. **Miscellaneous:**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
 b. ☐ Other _____


3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0851.

- a. ☒ RCE fee required under 37 CFR 1.17(e)
 i. ☐ Extension of time fee (37 CFR 1.138 and 1.17)
 ii. ☐ Other _____
 b. ☐ Check: in the amount of \$ _____ enclosed
 c. ☐ Payment by credit card (Form PTO-2038 enclosed)


WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	BRIAN K. BUCHHEIT	Registration No. (Attorney/Agent)	52,687
Signature		Date	APRIL 20, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	BRIAN K. BUCHHEIT	Date	APRIL 20, 2005
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/88/17 (10-04v2)

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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2001. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 790.00**Complete If Known**

Application Number	09/824,823
Filing Date	August 08, 2001
First Named Inventor	FITZPATRICK, et al.
Examiner Name	Ehichlova, Fred I.
Art Unit	2172
Attorney Docket No.	BOC9-2000-0083 (218)

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	50-0951
Deposit Account Name	Akerman Senterfitt

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 780	2001 385	Utility filing fee	
1002 390	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 780	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	0-3** =	X	
Multiple Dependent	4-5** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 14	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 14	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1061 130	2061 65	Surcharge - late filing fee or cash	
1062 50	2062 25	Surcharge - late provisional filing fee or cover sheet	
1063 130	2063 130	Non-English specification	
1812 2,620	2812 2,620	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SR after Examiner action	
1251 110	2251 65	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1603 680	2603 330	Plant issue fee	
1480 130	2480 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	2808 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 780	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 780	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 780	2801 395	Request for Continued Examination (RCE)	790.00
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 790.00**SUBMITTED BY**

Name (Print/Type) BRIAN K. BUCHHEIT

Registration No. (Attorney/Agent)

52,667

(Complete if applicable)

Telephone 561-853-5000

Signature

Date

APRIL 20, 2005

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